

III. REMARKS

The Examiner states that DNS is within the cellular network. It is respectfully submitted that this is not true. Although Turunen states that DNS is "attached to" the GPRS system, this does not mean that the DNS forms part of the GPRS system. When a closer look is taken at Fig. 2 of Turunen, it becomes very clear that the relation of the cellular system and Turunen's DNS is the same as the relation between the cellular system and the Internet. Both the DNS and the Internet are shown in the figure in the area behind the striped box. Since the Internet does not form part of the cellular system, why would Turunen's DNS?

Therefore, the term "attached to" is to be interpreted in the context of Turunen to mean only that communication between the DNS and the GPRS system is possible. However, this definitely does not mean that Turunen's DNS would be a part of the GPRS system.

In the present invention, on the other hand, the inquiry is sent directly to the cellular network, preferably to a GGSN. Claim 1 states: "sending a first inquiry from the messaging server to a specific first network element in the cellular network to determine the readiness of said terminal to receive data". Since, according to the invention, the inquiry is sent to the cellular network, the method of the invention works regardless of whether a static or a dynamic IP address has been allocated to the terminal. It is unclear whether the arrangement disclosed in Turunen works at all in a situation where a dynamic IP address has been allocated, as only a static IP address has been dealt with in the passage in question.

Nothing in the cited passage indicates that the inquiry for determining the readiness of the terminal to receive data would

be sent to a specific first network element in the cellular network. Similar limitations are in the remaining independent claims.

Thus, the rejection of claims 1 and 4-19 under 35 USC 102 on Turunen should be withdrawn. Further since there is no suggestion in Turunen of the present invention, these claims are unobvious over Turunen.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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